

Ms. Patricia A. Kurkul
Regional Administrator
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
One Blackburn Drive
Gloucester, MA 01930-2298

Dear Ms. Kurkul:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) for Amendment 9 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (CEQ No. 20070129) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

The DSEIS evaluates the potential impacts of the following proposed changes to the Fishery Management Plan (FMP): multiple-year management measures for fisheries covered under the FMP; designation of essential fish habitat (EFH) for the *Loligo pealeii* fishery; fishing gear and seasonal closed fishing areas for small mesh fishing gear, and reduction of bycatch and fishing discard measures for target and non-target fish species. Based on our review of the DSEIS, we have no objections to the proposed action; thus, we are rating the document LO- Lack of Objections. However, we have noted in our enclosure a few issues we recommend be discussed further in the FSEIS.

We appreciate the opportunity to review this DSEIS. We look forward to reviewing future documents related to this proposed action. The staff contact for this review is Matthew Harrington and he can be reached at (202) 564-7148.

Sincerely,

Anne Norton Miller
Director
Office of Federal Activities

Enclosure

cc: Steve Kokkinakis, NOAA Office of Strategic Planning

Enclosure
Amendment 9 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan
Draft Supplemental EIS Comments

Multi-Year Fishing Specifications-

The DSEIS states that the preferred alternative would extend the current annual fishing allocation and specification process to a multiple year fishing allocation and specification process. At the same time, the DSEIS acknowledges that one fish species, butterfish, has been designated as overfished since 2005. Although the DSEIS states that butterfish could be managed on a yearly basis by the Fishery Management Council, it was unclear if this is how the butterfish species is being proposed to be managed by the Fishery Management Council. It would be helpful for the FSEIS to definitively address that all fisheries covered under this FMP would be managed by a multiple year allocation and specification process, except that of butterfish which would be managed through an annual allocation and specification process.

Essential Fish Habitat Impacts for *Loligo pealeii* eggs-

The DSEIS indicates currently identified EFH for *Loligo pealeii* eggs may not be accurate as it is based on anecdotal information from fishermen. While the DSEIS states that impacts to EFH for *Loligo pealeii* eggs are important to identify and mitigate in order to meet EFH requirements, the DSEIS does not discuss how EFH habitat for *Loligo pealeii* eggs should be identified. The FSEIS should explain how EFH will be identified for this species and what measures will be implemented to mitigate impacts to the EFH habitat for *Loligo pealeii* eggs.

Exemptions from *Loligo pealeii* minimum mesh requirements for vessels targeting illex fish

The DSEIS discusses how the overfished butterfish species co-occurs during September and October in the same habitat as that of the illex fish species. As a result of targeted fishing of illex during these months, there is overfishing of the butterfish fish species.

The DSEIS states that mesh requirements could be one means of allowing for butterfish to escape fishermen targeting illex. The action alternatives that are analyzed would require a fishing mesh requirement during different months when butterfish would co-occur with illex. The result is that varying levels of escapement of butterfish would potentially occur. Although the benefits of a mesh requirement are discussed, the DSEIS identifies the preferred alternative as the No Action alternative which would not require a fishing mesh requirement on the illex fishery during the months of June through September. Although the merits of the action alternatives that establish a mesh requirement are discussed, there is not a similar discussion provided on why the No Action alternative is preferred. We recommend that the FSEIS provide the rationale behind the Fishery Management Council choosing the No Action Alternative as its preferred alternative.

Seasonal Gear Restricted Areas to Reduce Butterfish Discards-

Although the DSEIS acknowledges that butterfish has been designated by the NMFS as overfished since 2005, the No Action Alternative of not establishing seasonal gear restricted areas was identified as the preferred alternative by the Fishery Management Council. The primary reason cited for this decision is that “a majority of the Council’s members indicated that the benefit to butterfish stock provided by the gear restricted areas was outweighed by the economic cost to the industry.” The FSEIS should provide a more robust discussion on how the competing goals of economic viability for the fishing industry in this sector outweigh the goals established under the Magnuson Stevens Fishery Conservation and Management Act to prevent overfishing were evaluated and decided upon.